



U.S. Department of Justice

Civil Rights Division

JMS:WG:AG
DJ 207-72-3

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

June 13, 2014

Via Electronic and First Class Mail

The Honorable Curtis S. Person
Juvenile Court of Memphis and Shelby County
616 Adams Avenue
Memphis, TN 38105

RE: Assessment of Shelby County's Juvenile Detention Facility

Dear Judge Person:

We write to provide you with an assessment of the Juvenile Court's compliance with the Protection from Harm provisions of our Memorandum of Agreement ("Agreement"). Dr. David Roush, our protection from harm consultant, completed the assessment after reviewing documents and touring the detention facility on April 7-10, 2014. As always, we appreciate your staff's cooperation and assistance during our visit.

Our April visit marked the third facility review since we entered into the Agreement. We continue to observe progress addressing some of our concerns regarding the safety of children at the detention facility. Specifically, Juvenile Court is now in substantial compliance with the requirements to prohibit use of all restraint chairs and pressure point control tactics and to equip security staff posts with suicide cut-down tools. Juvenile Court has also made significant improvements in its compliance with the suicide prevention provisions. In particular, the detention facility leadership took measures to improve the suicide prevention policies, increase the children's access to a qualified mental health professional, and engage the staff in training using the curriculum developed by Lindsay Hayes, a leading expert in the field, and engage in further training using the resources in the court, namely the Dr. Tucker Johnson of Juvenile Court's Office of Clinical Services and the CCS qualified mental health nurse assigned to Juvenile Court. We commend your work on these improvements.

In addition to these areas of progress, we must also point out areas that require attention and improvement by the Juvenile Court. A particular area of concern is the extent of room confinement observed by Dr. Roush in his review of the logs and his focus groups with the children detained at the facility. As you may know, prolonged periods of isolation and room confinement can be damaging and counterproductive to the well-being and safety of the children in the facility. We will request that Dr. Roush review these practices in more depth during our next compliance tour to ensure that children are not being inappropriately confined. Another

area of concern relates to the detention staff's documentation of restraints designated as "spontaneous." Recording and review of restraints should occur earlier in the event to ensure that staff applied de-escalation techniques and to reduce the occurrence of restraints. We will continue to review your implementation of these provisions in future site visits.

We understand that you and your staff have remained committed to addressing the reforms outlined in the Agreement's protection from harm provisions. While challenges remain, this commitment is evident in the progress made during this year of implementation. We look forward to seeing continued progress on these issues.

Sincerely,

/s/
Jonathan M. Smith
Chief
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